



# COLORADO DEPARTMENT OF HEALTH

Richard D. Lamm  
Governor

Frank A. Traylor, M.D.  
Executive Director

August 28, 1980

CERTIFIED MAIL  
No. P03 8276162

Mr. O. L. Jahnke, Vice President and Agent  
For Rico Exploration & Production Company  
Mining Division of Crystal Exploration &  
Production Company  
P. O. Box 158  
Rico, CO 81332

RE: In the Matter of Rico Exploration and Pro-  
duction Company, a division of Crystal  
Exploration and Production Company

Dear Mr. Jahnke:

Enclosed is a signed copy of Notice of Violation and Cease and Desist  
Order in the above matter.

Very truly yours,

*Fred Matter*  
Fred Matter, P.E., Chief  
Monitoring & Enforcement Section  
Water Quality Control Division

FM:ef

Enclosure

cc - Sharon Metcalf, Assistant Attorney General  
✓ Fred Hinman, District Engineer  
Chairman, Board of County Commissioners  
Dolores County  
Environmental Protection Agency

COLORADO DEPARTMENT OF HEALTH

DIVISION OF ADMINISTRATION

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IN THE MATTER OF	)	
RICO EXPLORATION AND	)	
PRODUCTION COMPANY, a divi-	)	
sion of CRYSTAL EXPLORATION	)	NOTICE OF VIOLATION
AND PRODUCTION COMPANY	)	AND
	)	CEASE AND DESIST ORDER
DOLORES COUNTY, COLORADO	)	
NPDES PERMIT NO. CO-0029793.	)	

TO: O.L. Jahnke  
General Manager

FINDINGS OF FACT

Pursuant to the authority vested in the Division of Administration of the Colorado Department of Health by part III, article 8, title 25, C.R.S. 1973, which authority has been delegated to me by the executive director, I hereby make the following findings of fact:

1. RICO ARGENTINE MINING COMPANY ("Rico"), a division of Crystal Exploration and Production Company, owns and operates a base and precious metal mine and froth-flotation mill located north of the town of Rico which is the subject of NPDES permit No. CO-0029793 ("permit").

2. The permit was issued by the Colorado Department of Health, Division of Administration ("division") on June 1, 1976 and has been in full force and effect since approximately one month after that date. The permit will expire at midnight, December 31, 1980.

3. The permit authorizes Rico to discharge into Silver Creek and the Dolores River, which are "state waters" as defined by the Colorado Water Quality Control Act.

4. On September 18 and 25, and October 2, 1978, and May 9, 22, and 31, 1979 the division sampled the effluent

from discharge point 002 of the facility. Split samples were offered to, and accepted by Rico.

5. The division analyzed the samples taken in finding No. 4 in their laboratory according to standard testing procedures and determined that the following pollutant parameters concentrations were in the discharge:

Pollutant Parameter Concentration

<u>Date</u>	<u>Zn (mg/l)</u>	<u>Hg (mg/l)</u>
9-18-78	0.79	
9-25-78	0.92	
10-2-78	0.99	
Average	0.90	
5-9-79	2.7	
5-22-79	3.0	.0006
5-31-79	5.0	
Average	3.57	

6. Division representatives have also observed seepage into the Dolores River through the sides of the series of ponds that runs along the river. This discharge appears to be continuous, and was specifically observed on the following dates in 1978: May 16 and 31, June 7 and 21, July 6, 11, and 26, and August 28. Discharge to the river from the side of a pond was also observed on May 2 and 9, 1980.

7. Discharge monitoring reports submitted by Rico for the quarter ending July 1, 1979 indicated that both daily maximums and 30-day average limitations for zinc were exceeded. The report for the quarter ending October 1, 1979 indicated that the daily maximum limitation for copper was exceeded.

8. In addition, discharge monitoring reports submit-

ted by Rico have been incomplete, for example failing to report flow volumes, number of exceptions, frequency of analyses, and sample type.

#### NOTICE OF VIOLATION

You are hereby notified that the facts stated above constitute violations of NPDES permit No. CO-0029793.

This permit provides in pertinent part:

During the period beginning July 1, 1977, and lasting through December 31, 1980, the permittee is authorized to discharge from outfall(s) serial number(s) 002, the St. Louis Tunnel to the Dolores River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			
	Weight		Concentration	
	kg/day (lbs/day)		mg/l	mg/l
	30-day Avg <u>a</u> /	Daily Max <u>b</u> /	30-day Avg <u>a</u> /	Daily Max <u>b</u> /
mg <sup>3</sup> /Day (MCD)	N/A	N/A	N/A	N/A
al Suspended Solids	N/A	N/A	20	30
al Copper	N/A	N/A	0.05	0.09
al Zinc	N/A	N/A	0.5	1.0
al Lead	N/A	N/A	N/A	0.2
al Mercury	N/A	N/A	N/A	0.0002

The permit also provides that "any discharge to the waters of the state from a point source other than specifically authorized is prohibited." The discharges through the sides of the ponds fall under this prohibition.

#### CEASE AND DESIST ORDER

Based upon the foregoing findings of fact and notice of violation, and pursuant to the provisions of C.R.S. 1973, 25-8-605, I hereby order you:

1. To take such steps as are necessary to forthwith cease and desist from all discharges to the waters of the State of Colorado from the above-described premises that

are in violation of NPDES permit No. CO-0029793.

2. To perform any work necessary to prevent any future violations of NPDES permit No. CO-0029793 from the above-described premises.

3. To give written notice within ten days after receipt of this order to the Department of Health stating your intent to comply with this cease and desist order.

4. To carry out the following compliance schedule, completing the activities specified by the dates indicated:

- a. Install flow monitoring device at the outfall of the last pond prior to discharge to the Dolores River. October 1, 1980
- b. Confine the 002 discharge point to a single point. October 1, 1980
- c. Propose a program, for Division approval, to bring discharge into compliance. The program should include a schedule of implementation. October 15, 1980
- d. Propose a program, for division approval, on the Dolores River that will demonstrate any impact of the ponds on the river. The program shall include frequency, parameters and shall be implemented within 15 days of program approval. October 1, 1980

5. Complete and submit all discharge monitoring reports as required by the permit.

C.R.S. 1973, 25-8-603, provides that if the division does not require a hearing, an alleged violator may request the division to conduct such a hearing. Such request shall be in writing and shall be filed with the division no later than thirty (30) days after service of this order. For clarification of the rights of the recipients of notices of violations and cease and desist orders, parties are advised to consult the Colorado Water Quality Control Act, C.R.S.

1973, 25-8-101 et seq.

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder or to make any discharges to the waters of the state.

DATED at Denver, Colorado this 27th day of August,  
1980.

COLORADO DEPARTMENT OF HEALTH  
DIVISION OF ADMINISTRATION



GARY G. BROETZMAN  
Director  
Water Quality Control Division